

App'n Number: 10/789,700
Applicant: Ferguson, James Floyd
Examiner: Pickett, Gretory
Art Unit: 3728

RESPONSE TO FIRST OFFICE ACTION

1. In response to the rejection of all claims of the instant application under 35 U.S.C. § 103 in part upon the Examiner's reliance upon Cho, U.S. Pat. No. 6,062,385, the applicant submits that Cho is not analogous art as it is not directed towards an implement suitable for storing fishing tackle in a readily accessible manner but is directed towards a nondivided receptacle for tools. Because Cho is directed towards a general tool box, those having ordinary skill in the art of designing and constructing receptacles for fishing tackle would not be aware of Cho, and nothing in the Cho reference suggests that its features would be useful in combination with other receptacles for fishing tackle. Because Cho forms part of the basis for all rejections in the application, and because Cho is nonanalogous art with no suggestion of the instant combination, the application submits that the rejections should be withdrawn.

2. With respect to all rejections of claims of the application under 35 U.S.C. § 103 over Steiner in view of Cho, and particularly with respect to paragraph 1 of the First Office Action (rejecting Claim 1), the applicant submits that Steiner-Cho does not fully teach all of the claim limitations as cited by the examiner. Specifically, both Steiner and Cho teach boxes which are flat in their orientation, in which the usable space contained is substantially longer and wider than it is deep. As such, the applicant submits that neither Steiner nor Cho, nor both in combination, teach the tubular main body of the instant invention. Because all rejections in the First Office Action are dependent upon the combination of Steiner and Cho, applicant submits that on this basis, the rejections should be withdrawn.

3. With respect to paragraphs 3 and 4 of the First Office Action, rejecting claims on the basis of Steiner-Cho-Rathbun-Carter, applicant submits that the plurality of horizontal trays as taught by Carter would be unsuitable for use in the instant invention. Particularly, Carter teaches a plurality of horizontal trays that are connected to each other such that they must be lifted vertically from the cavity in which they rest. All trays of the Carter reference must be lifted together, rather than individually, due to the nature of the connections between trays, and the trays of Carter are permanently connected to the overall invention in that reference. The trays of the instant invention, however, are designed to be withdrawn horizontally from the central cavity of the instant invention and are not permanently affixed to the central cavity. Because of the orientation of the central cavity in the instant invention, the lifting mechanism of the trays of Carter will not function in conjunction with the other features of the instant invention. On this basis, the applicant submits that the rejections of paragraphs 3 and 4 of the First Office Action should be withdrawn.